

Attachment E: Texas Instruments Letter to EPA Dated January 14, 2013 with Schedule Update

Texas Instruments NPDES Permit Renewal Letter to EPA Region 1

August 14, 2020



Texas Instruments Incorporated

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January 14, 2013

Mr. George Harding, P.E.
Office of Environmental Stewardship
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code OES 04-4
Boston, MA 02109-3912

Re: Administrative Order Docket No. 12-002: Texas Instruments, Attleboro, MA: Construction Completion Date for Dry-Weather Groundwater Infiltration Collection System and New Treatment System: Notice of Extenuating Circumstances Resulting in Project Delay

Dear Mr. Harding:

In accordance with the above-referenced administrative order, this letter is to notify you that the interim deadline for completion of construction of the dry-weather flow groundwater infiltration collection system and new treatment system for the Attleboro site has not been met. In addition, TI is also informing you that the deadline for compliance with all effluent limits will not be met. As required by Section IV Notification Procedures, Item 2, this letter provides the following information:

- Description of noncompliance
- Description of actions taken or proposed by TI to comply with the lapsed schedule requirements
- Description of factors that explain or mitigate the noncompliance
- Approximate date by which TI will perform the required action

Description of noncompliance:

The order (page 3, Section III, Item No. 2) established a construction completion date of September 30, 2012 and a deadline of December 31, 2012 for compliance with all effluent limits. Construction has not yet begun because of complications in completing access agreement negotiations with the property owner. The access agreement was signed on October 4, 2012 and fully implemented later that month. A purchase order was issued by TI to AECOM for the full value of the construction contract on January 9, 2013. AECOM will provide construction management and has retained Earthwork Industries, Inc. as the construction subcontractor.

Description of actions taken or proposed by TI to comply with the lapsed schedule requirements:

As described in the July 26, 2012 letter to you, TI began the bid process for the new system concurrent with completing negotiations for the access agreement to attempt to accelerate the schedule to the degree possible. TI's consultant completed the bid process and provided TI with a recommendation for award on September 20, 2012. TI provided its consultant with a purchase order to start the preparation of pre-construction submittals and to procure long-lead items (a knockout drum for the new system) on September 21, 2012. The knockout drum was ordered and was delivered on January 2, 2013 and review of pre-construction submittals has been completed. As a



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result of these activities, TI is now in a position to proceed with construction. TI and its contractors have developed a revised schedule for completion of construction and commissioning of the new system that is described further below.

Description of factors that explain or mitigate the noncompliance:

As noted above, some of the impediments to meeting the schedule have been related to the access agreement. To mitigate this delay, TI pursued work that could be done without needing access to the property for construction work:

1. TI did not wait for the access agreement to be finalized before bidding out the project;
2. TI approved procurement of the longest lead item in the treatment system; and
3. TI approved award of preparation and processing of contractor submittals.

There were also delays associated with the cost and complexity of the full construction contract and it was not practical for TI to issue the full contract until access was obtained and the development of a realistic construction schedule was possible and practical.

Approximate date by which TI will perform the required action:

Barring any unforeseen additional complications and to avoid potentially difficult and costly winter working conditions, construction will commence on or about April 5, 2013 (assuming favorable weather conditions) and startup will commence by July 31, 2013. Full operation and compliance with effluent limits is projected to occur by August 30, 2013. In summary, based on this schedule and including potential lost time for weather conditions TI requests that the interim effluent limits remain in effect for an additional 8 months, or until August 30, 2013. TI requests that the dates in the order be modified to be consistent with the updated schedule set forth above.

I will contact you by letter upon completion of construction and initiation of startup to inform you of achieving this milestone and confirm the projected date for full operation and compliance with effluent limits. If you have questions in the meantime, please do not hesitate to contact me at (214) 567-4874.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe D. Bauer', written over a horizontal line.

Joe D. Bauer, P.G.
Environmental Specialist
Texas Instruments Incorporated

cc Mr. Christopher Tilden, MassDEP
Mr. George Papadopoulos, EPA
Steve McMillen, TI Legal Counsel